

WEDNESDAY, APRIL 24, 2002
EIGHTY-FOURTH LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Phil Ross, First United Methodist Church, Dickson, Tennessee.

Representative Shepard led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative S. Jones; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 746: Rep(s). Walker and Stanley as prime sponsor(s).

House Bill No. 65: Rep(s). McMillan as first prime sponsor(s).

House Bill No. 65: Rep(s). Todd as prime sponsor(s).

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House Bill No. 2678: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2831: Rep(s). Briley as first prime sponsor(s).

House Bill No. 2992: Rep(s). Brown as prime sponsor(s).

ENROLLED BILLS

April 18, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 685, 761, 778, 780, 781, 783, 784, 785, 786, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 842, 854, 856; also, House Resolution(s) No(s). 238, 245, 246, 247, 248, 249 and 250.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 18, 2002

The Speaker signed the following: House Joint Resolution(s) No(s). 685, 761, 778, 780, 781, 783, 784, 785, 786, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 842, 854, 856; also, House Resolution(s) No(s). 238, 245, 246, 247, 248, 249 and 250.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 18, 2002

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 413, 1901, 2043, 2118, 2212, 2272, 2451, 2520, 2528, 2618, 2714, 2726, 2754, 2759, 2853, 2899, 2907, 2917, 2940, 2961, 2968, 3014, 3037, 3101, 3146, 3220, 3221, 3222, 3223, 3224, 3225, 3231, 3240, 3241 and 3251.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 18, 2002

The Speaker signed the following: House Bill(s) No(s). 413, 1901, 2043, 2118, 2212, 2272, 2451, 2520, 2528, 2618, 2714, 2726, 2754, 2759, 2853, 2899, 2907, 2917, 2940, 2961, 2968, 3014, 3037, 3101, 3146, 3220, 3221, 3222, 3223, 3224, 3225, 3231, 3240, 3241 and 3251.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 18, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 685, 761, 778, 780, 781, 783, 784, 785, 786, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 842, 854, 856; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 18, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 333, 467, 2423 and 2811; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 18, 2002

The Speaker signed the following: Senate Bill(s) No(s). 333, 467, 2423 and 2811.

MESSAGE FROM THE SENATE

April 18, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 413, 1901, 2043, 2118, 2212, 2272, 2451, 2520, 2528, 2618, 2714, 2726, 2754, 2759, 2853, 2899, 2907, 2917, 2940, 2961, 2968, 3014, 3037, 3101, 3146, 3220, 3221, 3222, 3223, 3224, 3225, 3231, 3240, 3241 and 3251; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 18, 2002

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 413, 1901, 2043, 2118, 2212, 2272, 2451, 2520, 2528, 2618, 2714, 2726, 2754, 2759, 2853, 2899, 2907, 2917, 2940, 2961, 2968, 3014, 3037, 3101, 3146, 3220, 3221, 3222, 3223, 3224, 3225, 3231, 3240, 3241, 3251; also, House Joint Resolution(s) No(s). 685, 761, 778, 780, 781, 783, 784, 785, 786, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 842, 854, 856.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 19, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 94, 497, 576, 624, 627, 628, 631, 632, 633, 634, 635, 636, 637, 638, 639, 642, 644, 651, 652, 653, 654, 655, 656, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 682, 683 and 684; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 19, 2002

The Speaker signed the following: Senate Joint Resolution(s) No(s). 94, 497, 576, 624, 627, 628, 631, 632, 633, 634, 635, 636, 637, 638, 639, 642, 644, 651, 652, 653, 654, 655, 656, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 682, 683 and 684.

MESSAGE FROM THE SENATE

April 19, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 264, 1438, 1847, 2025, 2032, 2047, 2074, 2075, 2196, 2318, 2327, 2374, 2382, 2388, 2514, 2533, 2559, 2809, 2812, 2916, 3016, 3080 and 3141; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 19, 2002

The Speaker signed the following: Senate Bill(s) No(s). 264, 1438, 1847, 2025, 2032, 2047, 2074, 2075, 2196, 2318, 2327, 2374, 2382, 2388, 2514, 2533, 2559, 2809, 2812, 2916, 3016, 3080 and 3141.

MESSAGE FROM THE GOVERNOR

April 22, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 685, 761, 778, 780, 781, 783, 784, 785, 788, 790, 791, 794, 795, 796, 797, 799, 800, 801, 804, 805, 807 and 808, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 23, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 786, 787, 792, 793, 802, 803, 806, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 842, 854 and 856, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2596.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 623, adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 623** -- Naming and Designating - Designates Gulf Tract in Cocke County as "Martha Sundquist State Forest". by *Haun, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 848 -- General Assembly, Confirmation of Appointment - Michael W. Black, Tennessee State Forestry Commission. by *Rhinehart.

House Agriculture Committee

House Joint Resolution No. 849 -- General Assembly, Confirmation of Appointment - Richard Ray, State Board of Education. by *McCord.

House Education Committee

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House Joint Resolution No. 850 -- General Assembly, Confirmation of Appointment - Flavius A. Barker, State Board of Education. by *Rhinehart.

House Education Committee

House Joint Resolution No. 851 -- General Assembly, Confirmation of Appointment - Carolyn D. Pearre, State Board of Education. by *Harwell.

House Education Committee

***House Joint Resolution No. 873** -- Highway Signs - Names segment of State Highway 111 in Pickett County "James (Jim) South Memorial Drive". by *Winningham.

House Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 1, 2002:

House Resolution No. 263 -- Memorials, Recognition - Chester Anderson Fire Training Academy. by *Jones U (Shelby), *Miller L, *Pleasant.

House Resolution No. 264 -- Memorials, Public Service - Chester Anderson. by *Jones U (Shelby), *Miller L, *Pleasant.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3275 -- Morrison - Subject to local approval, rewrites charter. Amends Chapter 244 of the Acts of 1905; as amended. by *Rhinehart.

House Bill No. 3276 -- Dickson County - Subject to local approval, revises procedures for collection of Dickson County adequate facilities tax in municipalities not issuing building permits Amends Chapter 158 of the Private Acts of 2000. by *Shepard.

House Bill No. 3277 -- Morristown - Subject to local approval, increases hotel motel tax from 3 percent to 5 percent. Amends Chapter 354 of the Private Acts of 1982. by *Ford S.

House Bill No. 3278 -- Bradley County - Subject to local approval, repeals acts relative to board of education which are inconsistent with each other and with general law; enacts act which conforms with present practice of election of school board in compliance with general law. - Repeals Chapter 324 of the Private Acts of 1959. by *Newton.

REPORT OF DELAYED BILLS COMMITTEE
April 24, 2002

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3264.

Jimmy Naifeh, Speaker
Gene Davidson
Steve McDaniel

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 375** -- Gas, Petroleum Products, Volatile Oils - Allows utility district, electric cooperative, or municipal electric to enter into or remain in retail sale and distribution of liquefied petroleum gas if such is provided by for-profit corporation in which all stock is owned by utility district, electric cooperative, or municipal electric. Amends TCA Title 6; Title 7; Title 65 and Title 67. by *Cooper J. (HB1056 by *Cole (Dyer))

Senate Bill No. 790 -- Drug and Alcohol Rehabilitation - Expands alcohol and drug addiction treatment fund to cover person convicted of DUI who violates probation due to arrest for DUI and indigent person that is eligible to participate in state-approved drug court program. Amends TCA Title 39; Title 40 and Title 55. by *Cohen. (*HB626 by *Kent, *DeBerry L, *Bowers, *DeBerry J, *Pleasant, *Todd, *Chumney, *Hargett, *Towns, *Cooper B, *Stanley, *Brooks, *Miller L, *Jones U (Shelby), *Scroggs)

***Senate Bill No. 1201** -- Election Laws - Specifies that price for purchase of voter registration list must be reasonable. Amends TCA Title 2. by *Cooper J, *Cohen. (HB1767 by *McMillan, *Jones U (Shelby))

***Senate Bill No. 2035** -- Sunset Laws - Interstate rail passenger advisory council, June 30, 2002. Amends TCA Title 4, Chapter 42 and Title 4, Chapter 29. by *Harper, *Burchett, *Trail. (HB2725 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2107** -- Sunset Laws - Department of human services, June 30, 2006. Amends TCA Title 4, Chapter 3 and Title 4, Chapter 29. by *Harper, *Burchett, *Trail. (HB2753 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2161** -- Day Care - Suspends implementation of rated licensing system for two years. Amends TCA Section 71-3-502. by *Jackson, *Davis L. (HB2242 by *Buck, *Arriola)

Senate Bill No. 2252 -- Corporations, Not for Profit - Makes nonprofit organizations and philanthropic individuals who sponsor charitable fundraising events immune from suit arising from personal injuries and other damage to property that occurs at such events. Amends TCA Title 29 and Title 48, Chapter 58. by *Ford J. (*HB2231 by *DeBerry L)

***Senate Bill No. 2422** -- Municipal Government - Allows home rule municipalities to collect actual administrative expenses incurred as result of false threat or hoax involving biological weapons, destructive devices, or weapons of mass destruction if such municipality has adopted ordinance to prohibit such threat or hoax. Amends TCA Title 6, Chapter 54, Part 3. by *Atchley, *Burchett. (HB3109 by *Boyer, *Tindell, *Armstrong)

***Senate Bill No. 2424** -- Historical Sites and Preservation - Authorizes historic zoning commissions to impose financial penalties for certain violations. Amends TCA Section 13-7-407. by *Burchett, *Atchley, *Burchett, *McNally. (HB3107 by *Armstrong, *Tindell)

***Senate Bill No. 2599** -- Flags - Requires public school students to recite pledge of allegiance daily, unless student or parent objects to student's participation on religious, philosophical, or other grounds; establishes requirements for participation and non-participation in such exercise. Amends TCA Title 49, Chapter 6. by *Crowe, *McNally, *Burks, *Graves, *Carter, *Trail, *Dixon, *Atchley, *Crutchfield, *Burchett. (HB2549 by *Davis (Washington), *Godsey, *Mumpower)

***Senate Bill No. 2776** -- Election Laws - Requires write-in candidate in primary election to receive total number of votes equal to at least 5 percent of registered voters in district to receive party nomination; requires person trying to receive party nomination by write-in ballots to complete notice requesting such person's ballots be counted no later than 30 days before primary election. Amends TCA Title 2. by *Cooper J. (HB3034 by *Jones U (Shelby))

Senate Bill No. 2778 -- Contractors - Allows board for licensing contractors to establish scholarships at Tennessee institutions of higher learning for students pursuing course of study related to profession of contracting. Amends TCA Section 49-7-826 and Title 62, Chapter 6, Part 1. by *Cooper J. (*HB2465 by *Head)

***Senate Bill No. 2786** -- Taxes, Franchise - Includes as deduction from franchise taxes value of interest held by taxpayer in certain insurance companies paying gross premiums tax. Amends TCA Section 67-4-2107. by *Rochelle. (HB2856 by *Kisber)

Senate Bill No. 2792 -- Domestic Violence - Authorizes courts to compel perpetrator of domestic violence to reimburse domestic violence shelter for reasonable costs of providing necessary shelter services for perpetrator's victims. Amends TCA Title 36, Chapter 3, Part 6; Title 39, Chapter 11, Part 1 and Title 71, Chapter 6, Part 2. by *Rochelle. (*HB2124 by *Bone)

***Senate Bill No. 2957** -- Mental Health and Developmental Disabilities, Dept. of - Expands patient confidentiality and reporting provisions; clarifies criteria for patient decision-making capacity; broadens custody provisions for residential patients; makes other various revisions to mental health and developmental disabilities provisions. Amends TCA Titles 10 and 33. by *Person. (HB3134 by *Stanley)

Senate Bill No. 3038 -- Taxes, Real Property - Broadens exemption from ad valorem taxation for housing for low-income elderly or handicapped to include properties financed under McKinney-Vento Homeless Assistance Act and HOME Investment Partnerships Program. Amends TCA Section 67-5-207. by *Harper. (*HB3010 by *Arriola)

Senate Bill No. 3125 -- Alcoholic Beverages - Redefines "motor speedway" for authorization of sales and consumption of alcoholic beverages. Amends TCA Section 57-4-102. by *Rochelle. (*HB2320 by *Bone)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3270 -- Rogersville -- Local Bill Held on House Desk

House Bill No. 3271 -- Shelby County -- Local Bill Held on House Desk

House Bill No. 3272 -- Newport -- Local Bill Held on House Desk

House Bill No. 3273 -- Viola -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 18, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 24, 2002**: House Bill(s) No(s). 2542, 2693, 3125, 2831, 2339, 2258, 2672, 2371, 2231, 1194, 102, Senate Joint Resolution(s) No(s). 520, House Joint Resolution(s) No(s). 746 and 680.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 24, 2002**: House Bill(s) No(s). 3010, 2625, 2471, Senate Joint Resolution(s) No(s). 554 and House Joint Resolution(s) No(s). 683.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 22, 2002**, reported the following:

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2721 Senate Joint Resolution(s) No(s) 569, also House Bill(s) No(s). 2650, 1706, 2295, 3176, 2457, 3159 and 2827 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1131 and 2828 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 23, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 24, 2002**: House Bill(s) No(s). 2873, 2960, 2250, 2320 and 2124.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 24, 2002**: House Bill(s) No(s). 2623.

AGRICULTURE

The Agriculture Committee recommended for passage: Senate Joint Resolution(s) No(s). 608. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 3051 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 1757, 2609, also House Bill(s) No(s). 1416, 2234 and 1759 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2086 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2429, 347, 2193, 1056, 2856, 2301, 3097, 2892, 2606, 1736, also House Bill(s) No(s). 2433, 3003, 2331, 2954, 1767 and House Joint Resolution(s) No(s). 592 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2939 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 24, 2002**, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2405, 3100 and 3148 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Joint Resolution(s) No(s). 862, also House Bill(s) No(s). 1434 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3151 and 2651 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2551, House Joint Resolution(s) No(s) 836, 830; also House Bill(s) No(s). 1893 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CAPTION BILLS REFERRED

April 24, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 65 and 3080 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 65** -- Criminal Procedure – House Government Operations Committee

House Bill No. 3080 -- Taxes, Real Property – House Finance, Ways and Means Committee

CONSENT CALENDAR

House Bill No. 3265 -- Williamson County - Pursuant to local request, authorizes refunding bonds for prior bonded indebtedness of Franklin Special School District. Amends Chapter 563 of the Private Acts of 1949, as amended, by *Casada. (SB3218 by *Blackburn)

House Bill No. 3266 -- Williamson County - Pursuant to local request, authorizes Franklin Special School District to issue bonds or notes up to \$3,000,000 to provide for construction and equipping of school buildings and facilities. Amends Chapter 563 of the Private Acts of 1949, by *Casada. (SB3217 by *Blackburn)

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House Bill No. 3268 -- Jackson - Subject to local approval, revises charter of City of Jackson. Amends Chapter 101 of the Private Acts of 1993. by *Kisber. (SB3221 by *Carter)

***House Bill No. 3010** -- Taxes, Real Property - Broadens exemption from ad valorem taxation for housing for low-income elderly or handicapped to include properties financed under McKinney-Vento Homeless Assistance Act and HOME Investment Partnerships Program. Amends TCA Section 67-5-207. by *Arriola. (SB3038 by *Harper)

On motion, House Bill No. 3010 was made to conform with **Senate Bill No. 3038**; the Senate Bill was substituted for the House Bill.

House Bill No. 2625 -- County Government - Removes provisions for county appointment of project superintendents who supervise erection of new jail or courthouse. Amends TCA Title 5, Chapter 7, Part 1. by *Bittle. (*SB2174 by *Burchett)

On motion, House Bill No. 2625 was made to conform with **Senate Bill No. 2174**; the Senate Bill was substituted for the House Bill.

***House Joint Resolution No. 683** -- Highway Signs - Names bridge on S.R. 109 spanning Spencer Creek in Wilson County "Sgt. John Thomas Burton and Sp4 James Edward Bush Memorial Bridge.". by *Bone.

***House Bill No. 2471** -- Children - Adds requirement that four-month period prior to filing termination of parental rights proceeding for willful failure to visit or support child by parent be period "with willful intent". Amends TCA Title 36, Chapter 1, Part 1. by *DeBerry J. (SB2651 by *Dixon)

***Senate Joint Resolution No. 554** -- General Assembly, Confirmation of Appointment - Eddie Paschall, Tennessee Forestry Commission. by *Rochelle, *Rochelle.

House Bill No. 2623 -- Law Enforcement - Requires peace officer standards and training commission to issue certificate of compliance to university security officer who meets qualifications for employment as police officer and who satisfactorily completes approved recruit training program. Amends TCA Title 38, Chapter 8, Part 1. by *Patton. (*SB2848 by *Burchett)

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 3265: by Rep. Casada

Under the rules, House Bill(s) No(s). 3265 was/were placed at the foot of the calendar for May 1, 2002.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Reps. Davidson and McDaniel were recognized in the Well.

RULES SUSPENDED

Rep. Davidson moved that the following rules be suspended for the remainder of the 2002 Legislative Session:

Rule No. 17: so that all congratulatory and memorializing resolutions can be placed directly on the next Consent Calendar;

Rule No. 49(1): the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that local bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

Rule No. 71: the 24-hour rule requiring all amendments to placed on the members' desk;

Rule No. 59: notice provisions so that all bills from the Senate with messages can be announced and automatically placed on the next Message Calendar;

Rule No. 75: meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 80(1): so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

Rule No. 80(1): so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

The motion, seconded by Rep. McDaniel, was adopted.

A motion to reconsider was tabled.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 2:30 p.m.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 253: Rep(s). Ridgeway as prime sponsor(s).

House Joint Resolution No. 863: Rep(s). Rowland and Beavers as prime sponsor(s).

House Joint Resolution No. 864: Rep(s). Rowland and Beavers as prime sponsor(s).

House Joint Resolution No. 865: Rep(s). Rowland and Beavers as prime sponsor(s).

House Joint Resolution No. 869: Rep(s). Garrett as prime sponsor(s).

House Joint Resolution No. 872: Rep(s). Rowland and Beavers as prime sponsor(s).

House Joint Resolution No. 876: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 877: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 878: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 879: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 880: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 881: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 884: Rep(s). McDaniel, Fowlkes and Turner as prime sponsor(s).

House Joint Resolution No. 885: Rep(s). Roach as prime sponsor(s).

House Joint Resolution No. 886: Rep(s). Hood as prime sponsor(s).

House Joint Resolution No. 890: Rep(s). Naifeh as prime sponsor(s).

House Joint Resolution No. 896: Rep(s). Naifeh as prime sponsor(s).

House Joint Resolution No. 900: Rep(s). Naifeh as prime sponsor(s).

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 611, 645, 646, 647, 648, 649, 650, 657, 658, 659, 660, 685, 686, 688, 689, 690, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704 and 705; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 611** -- Naming and Designating - Designates Main Drive at new Tennessee Fire Service and Codes Enforcement Academy in Bedford County as "Senator Tommy Haun Boulevard". by *Cooper J, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 645 -- Memorials, Academic Achievement - Auburn Dawn O'Neal, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 646 -- Memorials, Academic Achievement - Kali MacKenzie Meyer, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 647 -- Memorials, Academic Achievement - Janna Aldridge, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 648 -- Memorials, Academic Achievement - Courtney Lane, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 649 -- Memorials, Academic Achievement - Jennifer Pierce, Salutatorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 650 -- Memorials, Academic Achievement - Geoffrey Updike, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 657 -- Memorials, Academic Achievement - Britni Jantha Ratliff, Valedictorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 658 -- Memorials, Academic Achievement - Lisa Kay Cooper, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 659 -- Memorials, Academic Achievement - Johnna Ann Miller, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 660 -- Memorials, Academic Achievement - Laura Elizabeth Dayton, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 685 -- Memorials, Recognition - Ms. Letha Carr's fourth grade class at Central Elementary School in Carter County fundraising efforts for Elizabethton/Carter County Veterans Memorial Park. by *Crowe.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 686 -- Memorials, Recognition - Daniel Boone High School Reflections. by *Crowe.

Senate Joint Resolution No. 688 -- Memorials, Sports - Unaka High School Boys Basketball Team. by *Crowe.

Senate Joint Resolution No. 689 -- Memorials, Interns - Jacob Chad Hogue. by *Atchley.

Senate Joint Resolution No. 690 -- Memorials, Recognition - Knoxville Chapter of Association for Preservation of Tennessee Antiquities, 50th Anniversary. by *Burchett.

Senate Joint Resolution No. 692 -- Memorials, Public Service - John C. Hough. by *Herron.

Senate Joint Resolution No. 693 -- Memorials, Retirement - Stan Workman. by *Herron.

Senate Joint Resolution No. 694 -- Memorials, Death - Vester Waldron. by *Trail.

Senate Joint Resolution No. 695 -- Memorials, Professional Achievement - Steve Cates, Tennessee Council for Social Studies 2001-02 Tennessee High School Teacher of the Year. by *Trail.

Senate Joint Resolution No. 696 -- Memorials, Recognition - Ron Braam, William F. Johnson, Sr. United Way Community Service Award. by *Miller J.

Senate Joint Resolution No. 697 -- Memorials, Retirement - Kenny Buttolph, Research Editor, Old Cars Weekly. by *Williams, Sen..

Senate Joint Resolution No. 698 -- Memorials, Retirement - Dr. Theodore Raymond Mosch. by *Herron.

Senate Joint Resolution No. 699 -- Memorials, Academic Achievement - Stuart John Jeckel, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 700 -- Memorials, Academic Achievement - Alicia Pinson, Salutatorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 701 -- Memorials, Academic Achievement - Caleb Bastian, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 702 -- Memorials, Academic Achievement - Lauren Dae Binkley, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 703 -- Memorials, Academic Achievement - Sara Beth Seay, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 704 -- Memorials, Academic Achievement - Greg Sand, Valedictorian, Springfield High School. by *Graves.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 705 -- Memorials, Academic Achievement - Sarah Elizabeth Jones, Valedictorian, Springfield High School. by *Graves.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for April 24, 2002:

House Resolution No. 251 -- Memorials, Academic Achievement - T.E. Sweeney Scholarship Program members. by *Briley.

House Resolution No. 252 -- Memorials, Interns - Stephanie Dalton Bechard. by *Brooks, *Cooper B.

House Resolution No. 253 -- Memorials, Recognition - Matthew McBride. by *Shaw, *Ridgeway.

House Resolution No. 254 -- Memorials, Interns - Kevin Keeton. by *Patton.

House Resolution No. 255 -- Memorials, Heroism - Rededication of World War II Memorial at Midway in Greene County. by *Davis (Cocke), *Whitson.

House Resolution No. 256 -- Naming and Designating - Mount Nebo Baptist Church Day in Davidson County, April 28, 2002. by *Pruitt.

House Resolution No. 257 -- Memorials, Interns - Jeffrey David Klitzner. by *Towns, *Kernell.

House Resolution No. 258 -- Memorials, Personal Achievement - Patrick Nathaniel Edwards, Eagle Scout. by *Caldwell.

House Resolution No. 259 -- Memorials, Recognition - Virginia "Jenny" Yount. by *Lewis.

House Resolution No. 260 -- Memorials, Recognition - Mike Evans. by *Lewis.

House Resolution No. 261 -- Memorials, Recognition - Carolyn Damron, Provider Appreciation Day on May 10th. by *Lewis.

House Resolution No. 262 -- Memorials, Recognition - University of Tennessee at Knoxville Chapter of Alpha Omicron Pi Women's Fraternity, 100th anniversary. by *Hagood.

House Joint Resolution No. 855 -- Naming and Designating - "Let Love Ring!" Day, September 11, 2002. by *West.

House Joint Resolution No. 863 -- Memorials, Professional Achievement - Ms. Caroline S. Brock, Rutherford County School System Teacher of the Year for Secondary Level. by *Hood, *Rowland, *Beavers.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 864 -- Memorials, Professional Achievement - Ms. Glenda R. High, Rutherford County School System Teacher of the Year for Elementary Level. by *Hood, *Beavers, *Rowland.

House Joint Resolution No. 865 -- Memorials, Professional Achievement - Mr. Jeff Duke, Rutherford County School System Teacher of the Year for Middle Level. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 868 -- Memorials, Death - D.K. Thomas. by *Overbey, *McCord.

House Joint Resolution No. 869 -- Memorials, Personal Achievement - Bryan Joseph Lavender, Eagle Scout. by *Odom, *Garrett.

House Joint Resolution No. 866 -- Memorials, Recognition - Jennie Ellen Harper. by *McDaniel.

House Joint Resolution No. 867 -- Memorials, Recognition - Mary Lauren Anderson. by *McDaniel.

House Joint Resolution No. 870 -- Memorials, Academic Achievement - Jeremy Robert Buckner, Valedictorian, Jellico High School. by *Baird, *Goins.

House Joint Resolution No. 871 -- Memorials, Academic Achievement - Dustin Anderson, Salutatorian, Jellico High School. by *Baird, *Goins.

House Joint Resolution No. 872 -- Memorials, Congratulations - Middle Tennessee Medical Center. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 874 -- Memorials, Public Service - Joe Yokley. by *Fraleigh.

House Joint Resolution No. 875 -- Memorials, Recognition - Fall Branch Volunteer Fire Department, 50th Anniversary. by *Davis (Washington), *Patton.

House Joint Resolution No. 876 -- Memorials, Academic Achievement - Houston Heath Hunt, Salutatorian, Watertown High School. by *Beavers, *Bone.

House Joint Resolution No. 877 -- Memorials, Academic Achievement - Kelly Cross, Valedictorian, Mt. Juliet High School. by *Beavers, *Bone.

House Joint Resolution No. 878 -- Memorials, Academic Achievement - Brad Austin Donnell, Salutatorian, Lebanon High School. by *Beavers, *Bone.

House Joint Resolution No. 879 -- Memorials, Academic Achievement - Beth Ellis, Valedictorian, Lebanon High School. by *Beavers, *Bone.

House Joint Resolution No. 880 -- Memorials, Academic Achievement - Amanda Elizabeth Tutt, Valedictorian, Watertown High School. by *Beavers, *Bone.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 881 -- Memorials, Academic Achievement - Brittnea Marie Dye, Salutatorian, Friendship Christian School. by *Beavers, *Bone.

House Joint Resolution No. 882 -- Memorials, Interns - Terica Nicole Smith. by *Brooks, *Cooper B.

House Joint Resolution No. 883 -- Memorials, Personal Achievement - Corinne Gould, All-American Quarter Horse Congress Queen. by *Walker .

House Joint Resolution No. 884 -- Memorials, Recognition - Eddy Arnold, Top Country Recording Artist of All Time. by *Walker , *Curtiss, *Sargent, *Harwell, *McKee, *McDaniel, *Fowlkes, *Turner (Hamilton).

House Joint Resolution No. 885 -- Memorials, Death - T. Shane Murray. by *Hagood, *Roach.

House Joint Resolution No. 886 -- Memorials, Death - Gordon Oldham. by *Buck, *Hood.

House Joint Resolution No. 887 -- Memorials, Recognition - Angela N. Staples. by *Bowers.

House Joint Resolution No. 888 -- Memorials, Recognition - Omicron Chapter of Alpha Omicron Pi. by *Baird.

House Joint Resolution No. 889 -- Memorials, Recognition - Glenclyff High School Business Professionals of America contest participants. by *Arriola, *Pruitt.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for April 24, 2002:

Senate Joint Resolution No. 645 -- Memorials, Academic Achievement - Auburn Dawn O'Neal, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 646 -- Memorials, Academic Achievement - Kali MacKenzie Meyer, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 647 -- Memorials, Academic Achievement - Janna Aldridge, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 648 -- Memorials, Academic Achievement - Courtney Lane, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 649 -- Memorials, Academic Achievement - Jennifer Pierce, Salutatorian, Greenbrier High School. by *Graves.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 650 -- Memorials, Academic Achievement - Geoffrey Updike, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 657 -- Memorials, Academic Achievement - Britni Jantha Ratliff, Valedictorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 658 -- Memorials, Academic Achievement - Lisa Kay Cooper, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 659 -- Memorials, Academic Achievement - Johnna Ann Miller, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 660 -- Memorials, Academic Achievement - Laura Elizabeth Dayton, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 685 -- Memorials, Recognition - Ms. Letha Carr's fourth grade class at Central Elementary School in Carter County fundraising efforts for Elizabethton/Carter County Veterans Memorial Park. by *Crowe.

Senate Joint Resolution No. 686 -- Memorials, Recognition - Daniel Boone High School Reflections. by *Crowe.

Senate Joint Resolution No. 688 -- Memorials, Sports - Unaka High School Boys Basketball Team. by *Crowe.

Senate Joint Resolution No. 689 -- Memorials, Interns - Jacob Chad Hogue. by *Atchley.

Senate Joint Resolution No. 690 -- Memorials, Recognition - Knoxville Chapter of Association for Preservation of Tennessee Antiquities, 50th Anniversary. by *Burchett.

Senate Joint Resolution No. 692 -- Memorials, Public Service - John C. Hough. by *Herron.

Senate Joint Resolution No. 693 -- Memorials, Retirement - Stan Workman. by *Herron.

Senate Joint Resolution No. 694 -- Memorials, Death - Vester Waldron. by *Trail.

Senate Joint Resolution No. 695 -- Memorials, Professional Achievement - Steve Cates, Tennessee Council for Social Studies 2001-02 Tennessee High School Teacher of the Year. by *Trail.

Senate Joint Resolution No. 696 -- Memorials, Recognition - Ron Braam, William F. Johnson, Sr. United Way Community Service Award. by *Miller J.

Senate Joint Resolution No. 697 -- Memorials, Retirement - Kenny Buttolph, Research Editor, Old Cars Weekly. by *Williams, Sen..

Senate Joint Resolution No. 698 -- Memorials, Retirement - Dr. Theodore Raymond Mosch. by *Herron.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 699 -- Memorials, Academic Achievement - Stuart John Jeckel, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 700 -- Memorials, Academic Achievement - Alicia Pinson, Salutatorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 701 -- Memorials, Academic Achievement - Caleb Bastian, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 702 -- Memorials, Academic Achievement - Lauren Dae Binkley, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 703 -- Memorials, Academic Achievement - Sara Beth Seay, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 704 -- Memorials, Academic Achievement - Greg Sand, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 705 -- Memorials, Academic Achievement - Sarah Elizabeth Jones, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 531 -- Naming and Designating - "Police Memorial Day", May 15, 2002, "Police Memorial Week", May 12-18, 2002. by *Burks, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep. Davidson, the roll call was dispensed with.

REGULAR CALENDAR

***House Bill No. 2992** -- State Employees - Changes minimum state contribution to state employees' health insurance from 60 percent of premiums to 80 percent. Amends TCA Section 8-27-201. by *Head, *Langster, *Davidson, *Jones, S., *Pruitt, *Arriola, *Briley, *Turner (Davidson). (SB3126 by *Rochelle)

Further consideration of House Bill No. 2992 previously considered on April 3, 2002 and April 10, 2002, at which time it was reset for today's Calendar.

Rep. Head moved that House Bill No. 2992 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

***House Bill No. 2247** -- Employees, Employers - Reduces maximum maternity leave under statute from four months to 17 work weeks. Amends TCA Section 4-21-408. by *Sharp. (SB2309 by *Fowler)

Further consideration of House Bill No. 2247 previously considered on March 18, 2002, April 3, 2002 and April 10, 2002, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Sharp moved that House Bill No. 2247 be re-referred the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 3193 -- Election Laws - Creates Class E felony for person who is not employee of election commission to give unsolicited request for application for absentee ballot; increases ratio for registered voters per voting machine from 650 to 750; makes other revisions to election laws. Amends TCA Section 2-2-109; Section 2-2-116; Section 2-3-104 and Section 2-6-202. by *Hargrove. (*SB2801 by *Rochelle)

Further consideration of House Bill No. 3193 previously considered on April 10, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 3193 was made to conform with **Senate Bill No. 2801**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that **Senate Bill No. 2801** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	21
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Butry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hargrove, Head, Hood, Johnson, Kent, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Scroggs, Shaw, Shepard, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Winningham, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Baird, Beavers, Bittle, Black, Bunch, Casada, Clem, Davis (Washington), Dunn, Ferguson, Hargett, Harwell, Mumpower, Pruitt, Rowland, Sharp, Stanley, Todd, Vincent, Windle, Wood -- 21.

Representatives present and not voting were: Hagood, Kernell -- 2.

A motion to reconsider was tabled.

***House Bill No. 2893** -- Securities - Authorizes Canadian broker-dealer to transact business in state without registering with commissioner of commerce and insurance in certain circumstances. Amends TCA Title 48, Chapter 2, Part 1. by *Sargent. (SB2940 by *Atchley)

Further consideration of House Bill No. 2893 previously considered on April 17, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 2893 was made to conform with **Senate Bill No. 2940**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that **Senate Bill No. 2940** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Davidson) -- 1.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 555** -- Constitutional Amendments - Proposes amendment to Article VI, Section 14 of Tennessee Constitution, relative to general assembly prescribing maximum fine to be assessed without jury. by *Haynes, *Cohen, *Dixon.

Further consideration of Senate Joint Resolution No. 555 previously considered on April 10, 2002 and April 17, 2002, at which time it was read for the second Constitutional reading and reset for today's Calendar.

Rep. Fitzhugh moved that Senate Joint Resolution No. 555 be reset for the Regular Calendar on May 1, 2002, for third and final reading, which motion prevailed.

***House Bill No. 3138** -- Environment and Conservation, Department of - Requires department to maintain registry of riparian lands along designated scenic rivers that are not within scenic river boundary; classifies Wolf river and state forests in certain counties as natural areas; adjusts acreage of certain natural areas. Amends Chapters 13 and 14 of Title 11. by *Sands. (SB3074 by *Burks)

Further consideration of House Bill No. 3138 previously considered on April 3, 2002 and April 17, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 3138 was reset for the Regular Calendar on May 1, 2002, which motion prevailed.

***House Bill No. 2128** -- Public Defenders - Requires that \$12.50 court cost collected for purpose of defraying cost of legal representation of indigent criminal defendants in multi-county judicial districts be remitted to executive director of public defender conference for use as supplemental funding for public defender in such multi-county district. Amends TCA Section 40-14-210. by *McMillan. (SB2233 by *Jackson)

Further consideration of House Bill No. 2128 previously considered on April 17, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2128 was made to conform with **Senate Bill No. 2233**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that **Senate Bill No. 2233** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Rowland, Vincent -- 2.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

House Bill No. 2510 -- Eminent Domain - Excludes redevelopment projects and redevelopment plans from prohibition on housing authority to take private property in urban renewal area by eminent domain for purposes of resale. Amends TCA Title 13, Chapter 20. by *Briley. (*SB2417 by *Haynes)

Further consideration of House Bill No. 2510 previously considered on April 17, 2002, at which time it was reset for today's Calendar.

Rep. Briley moved that House Bill No. 2510 be reset for the Regular Calendar on May 1, 2002, which motion prevailed.

House Bill No. 2678 -- Election Laws - Requires state coordinator of elections to adopt rules and regulations governing minimum standards for nonpartisan voter education. Amends TCA Title 2. by *Miller L, *Chumney, *Turner (Shelby), *Bowers, *DeBerry L, *Jones U (Shelby), *DeBerry J. (*SB2293 by *Dixon)

Further consideration of House Bill No. 2678 previously considered on April 17, 2002, at which time it was reset for today's Calendar.

Rep. Miller moved that House Bill No. 2678 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2678 By deleting the date "2002" from Section 2 and by substituting instead the date "2003".

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Miller moved that **House Bill No. 2678**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	7
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

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Representatives voting no were: Beavers, Clem, Goins, Rowland, Sharp, Stanley, Vincent -- 7.

Representatives present and not voting were: Dunn -- 1.

A motion to reconsider was tabled.

House Bill No. 2808 -- Workers' Compensation - Defines mental injury for workers' compensation law. Amends TCA Title 50, Chapter 6. by *Cole (Dyer), *Bowers. (*SB2568 by *Clabough)

Further consideration of House Bill No. 2808 previously considered on April 10, 2002 and April 17, 2002, at which time it was reset for today's Calendar.

Rep. Cole (Dyer) moved that House Bill No. 2808 be reset for the Regular Calendar on May 8, 2002, which motion prevailed.

***House Joint Resolution No. 746** -- Constitutional Amendments - Requires three-fifths majority of each house of general assembly to raise rate of sales tax or any tax measured by income. by *Rinks, *Buck, *Newton.

Rep. Rinks moved that House Joint Resolution No. 746 be adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 746 by deleting all language after the caption and by substituting instead the following language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that Article II, Section 18, of the Constitution of Tennessee be amended by inserting the language ", including a bill to enact a tax measured by income," between the words "A bill" and the words "shall become law"; and by adding the following new language at the end of the section:

No bill to raise the rate of sales tax or any tax measured by income, once both such taxes have been imposed and are in effect, or to create new exemptions, credits, or deductions or to increase any exemptions, credits or deductions from sales tax or any tax measured by income, shall become law unless, on third and final consideration, it has received the assent of three-fifths (3/5) of all the members elected to the House of Representatives and three-fifths (3/5) of the members elected to the Senate.

BE IT FURTHER RESOLVED, That the foregoing amendment be referred to the One Hundred Third General Assembly, and that this resolution proposing such amendment be timely published by the Secretary of State in accordance with the Constitution of Tennessee, Article XI, Section 3.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 746 by adding the following new resolving clause immediately preceding the last resolving clause:

BE IT FURTHER RESOLVED, That this resolution shall take effect only if funding for the resolution is specifically provided in an appropriations act.

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. Rinks requested that the Clerk read House Joint Resolution No. 746, as amended, for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 746, as amended.

Rep. Newton moved that House Joint Resolution No. 746 be reset for the Regular Calendar on May 1, 2002, for second reading, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2542** -- DUI/DWI Offenses - Increases fee payable to impaired drivers trust fund upon DUI conviction from \$5.00 to \$10.00. Amends TCA Title 55, Chapter 10, Part 4. by *Patton. (SB2847 by *Burchett)

Rep. Patton moved that **House Bill No. 2542** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2693 -- Mobile Homes and Manufactured Buildings - Increases to 14' 2" from 13' 6" height of manufactured home requiring special routing for movement; increases to 12 months from 6 days period in which special permit for movement is valid. Amends TCA Title 55. by *Head, *Rinks, *White, *Ridgeway, *Newton. (*SB2399 by *Haun)

Rep. Head moved that House Bill No. 2693 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2693 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-401, is amended by adding the words "manufactured home, portable modular unit" immediately after the words "mobile home".

SECTION 2. Tennessee Code Annotated, Section 55-4-402, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-402. "Mobile home" for the purposes of this part means:

(1) A self-propelled or non-self-propelled vehicle, with a length exceeding thirty-five feet (35'), so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use thereof for human habitation, and so constructed to permit its being used as a conveyance upon public streets or highways; or

(2) Manufactured houses or portable modular units in excess of eight feet six inches (8'6") in width or when towing vehicle and manufactured home are in excess of sixty feet (60') in length.

SECTION 3. Tennessee Code Annotated, Section 55-4-403, is amended by deleting the section in its entirety and by substituting instead the following:

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Section 55-4-403. (a) Transport of mobile homes shall only take place between sunrise and sunset, Monday through Saturday, except for legal holidays as enumerated in § 15-1-101.

(b) Notwithstanding the provisions of subsection (a), transport of mobile homes eighty-five (85) feet or greater in length, or fourteen (14) feet or greater in width, or fourteen feet two inches (14'2") or greater in height, is prohibited in heavily traveled urban areas between the hours of seven o'clock a.m. (7:00 a.m.) to nine o'clock a.m. (9:00 a.m.) and four o'clock p.m. (4:00 p.m.) to six o'clock p.m. (6:00 p.m.).

(c) Notwithstanding any provision of law to the contrary, this section may be enforced using photo, video or other electronic proof of violation.

SECTION 4. Tennessee Code Annotated, Section 55-4-404, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-404. Any permit required under this part shall be issued in the name of the owner of the vehicle or the motor carrier used to transport the mobile home. The permit shall be displayed in the vehicle used to transport the mobile home so as to be visible from outside the vehicle and shall be produced for inspection upon request by a representative of any law enforcement agency. Short-term permits shall be valid for six (6) days from the date of issuance. Annual permits shall be valid for three hundred sixty-five (365) days from the date of issuance.

SECTION 5. Tennessee Code Annotated, Section 55-4-405, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-405. (a) A permit shall be required for the transport of any mobile home exceeding sixty feet (60') in length, including towing vehicle, except for vehicles being transported under an annual width permit, in which case a permit shall be required for the transport of any mobile home exceeding ninety feet (90') in length, including towing vehicle. Permits issued pursuant to this section shall be issued on a single trip basis.

(b) The fee for such permit shall be twenty-five dollars (\$25.00).

SECTION 6. Tennessee Code Annotated, Section 55-4-406, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-406. (a) A permit shall be required for the transport of any mobile home exceeding eight feet six inches (8'6") in width. Transport of mobile homes exceeding 16 feet (16') in width shall not be permitted. Permits authorized pursuant to this section may be issued on either a short-term basis or an annual basis. Short-term permits shall be valid for six (6) days from the date of issuance. Annual permits shall be valid for three hundred sixty-five (365) days from the date of issuance.

(b) The fee schedule for permits issued pursuant to this section shall be as follows:

(1) For short-term, eight feet six inches (8'6") to fourteen feet (14') wide - fifty dollars (\$50.00);

(2) For short-term, eight feet six inches (8'6") wide to sixteen feet (16') wide - one hundred dollars (\$100.00);

(3) For annual permit, eight feet six inches (8'6") to fourteen feet (14') wide - one thousand dollars (\$1,000.00);

(4) For annual permit, eight feet, six inches (8'6") to sixteen feet (16') wide - two thousand dollars (\$2,000.00).

SECTION 7. Tennessee Code Annotated, Section 55-4-407, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-407. (a) A permit shall be required for the transport of any mobile home exceeding fourteen feet two inches (14'2") in height. Permits authorized pursuant to this section shall be issued on a short-term basis only and shall be accompanied by special routing instructions approved by the department of transportation.

(b) The fee for permits issued pursuant to this section shall be fifty dollars (\$50.00).

(c) The department of transportation shall make available, both in printed form and on the department's official web site, a list of the overpasses on public roads within the state that have a minimum clearance above the roadway below of less than fourteen feet six inches (14' 6"). The list shall be updated at least monthly on the web site and at least annually in the printed version. The department is authorized to charge a fee for the printed list sufficient to offset the administrative cost of compiling, updating, printing and shipping the list.

SECTION 8. Tennessee Code Annotated, Section 55-4-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-408. Transport of mobile homes shall be subject to the provisions of § 55-7-205 pertaining to excess weight.

SECTION 9. Tennessee Code Annotated, Section 55-4-409, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-409. A permit is required for each category of size (height, width, length and/or weight) that is exceeded by the mobile home being transported, except as provided in § 55-4-405.

SECTION 10. Tennessee Code Annotated, Section 55-4-410, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-4-410. (a) The department of transportation is authorized to promulgate rules and regulations prescribing safety precautions and equipment to be utilized by those transporting mobile homes subject to the provisions of this part.

(b) The transporter and the seller of the mobile home, if the seller is a different person or entity than the transporter, moving a mobile home that is subject to the provisions of this part shall have the affirmative duty to determine that:

(1) The undercarriage for the manufactured home is equipped with adequate brakes that are operated from the towing vehicle; and

(2) The route traveled allows safe passage of the mobile home, based upon the height and width of the mobile home.

(c) The affirmative duty created pursuant to the provisions of this section shall be primarily the transporter's duty. The seller shall be secondarily liable. The affirmative duty to determine the safe passage may be met by use of a front escort vehicle having protrusions equal to the height and width of the mobile home.

SECTION 11. Tennessee Code Annotated, Title 55, Chapter 4, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-411. (a) This part shall be administered by the department of transportation, which is authorized to promulgate rules and regulations for the administration of this part.

(b) The department of transportation may, by regulation, require, in conjunction with the issuance of an annual permit as provided for in this part, that the permit holder display a placard bearing the applicable permit number and such other information as required by the department.

(c) From the fees collected for the issuance of permits under this part, an amount equal to the expenses incurred by department of transportation in administering this program shall be allocated to the highway fund. The remaining balance shall be allocated to the general fund.

SECTION 12. Tennessee Code Annotated, Title 55, Chapter 4, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-412. (a) Any person transporting a mobile home, manufactured house or house trailer, as defined in § 55-4-402, into or through this state, or over any street, road or highway of this state in violation of any provision of this part, commits a Class B misdemeanor punishable as follows:

(1) By a fine of two hundred fifty dollars (\$250) for the first offense in a twelve (12) month period;

(2) By a fine of five hundred dollars (\$500) for the second offense in a twelve (12) month period; and,

(3) By a fine of one thousand dollars (\$1,000) and a ninety (90) day revocation of any driver's license for the third or subsequent offense in a twelve (12) month period.

(b) Within thirty (30) days of conviction for a violation of this section, the clerk of the court of conviction shall give notice of such conviction to the department of transportation.

(c) Upon receipt of notice of a third violation in a twelve (12) month period, the department of transportation shall suspend the subject permit and the permit holder's privilege to obtain other permits under this part for a period of ninety (90) days from the date of receipt of the notice.

(d) This part may be enforced by the department of safety or local law enforcement agencies.

SECTION 13. Tennessee Code Annotated, Title 55, Chapter 4, Part 4, is amended by adding the following language as a new, appropriately designated section:

Section 55-4-413. (a) The transporter of any mobile home, manufactured home or house trailer subject to the provisions of this part shall be liable for any and all damages resulting from the mobile home, manufactured home or house trailer striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of the state.

(b)(1) If during transport, a mobile home, manufactured home or house trailer subject to the provisions of this part blocks traffic on a controlled-access facility as defined by § 54-16-101 because such vehicle cannot proceed due to height, width or length, the transporter thereof shall pay to the department of transportation a road user fee in the amount of one thousand dollars (\$1,000) and the department of transportation shall suspend the subject permit and the permit holder's privilege to obtain other permits under this part for a period of ninety (90) days from the date the department receives notice that the roadway was blocked. If the same permit holder blocks traffic on a controlled-access roadway a second time within eighteen (18) months from the date of the first occurrence, the transporter shall pay to the department of transportation the road user fee calculated by the department of transportation using the same formula it uses to calculate incentive payments on road construction projects.

(2) If the transporter fails to pay these fees within thirty (30) days of the date the road is blocked, its privilege to obtain permits under this part shall be suspended until payment is made. The department of transportation is authorized to take legal action to collect this fee.

(c) The transporter of any mobile home, manufactured home or house trailer subject to the provisions of this part shall maintain public liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence. Proof of that insurance shall be carried in the vehicle used to transport the mobile home.

(d) Notwithstanding any provision of law to the contrary, the state of Tennessee and any political subdivisions thereof shall be absolutely immune from liability for all damages resulting from a mobile home striking a guardrail, bridge, concrete barrier, overhead structure or other obstruction while traveling on the public roads or highways of the state.

SECTION 14. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2002, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2693 By deleting subsection (c) of amendatory Section 55-4-413 of Section 13 of the bill as amended and by substituting instead the following:

(c) Any person or entity transporting any mobile home, manufactured home or house trailer subject to the provisions of this part shall, prior to the issuance of a permit pursuant to the provisions of this part, secure and maintain public liability insurance in an amount not less than one million dollars (\$1,000,000) per occurrence. Such insurance shall cover the tractor, mobile home, manufactured home or house trailer and any other attachments thereto. Proof of such insurance shall be carried in the vehicle used to transport such mobile home, manufactured home or house trailer and satisfactory proof of such insurance shall be submitted to the department prior to the issuance of a permit pursuant to this part.

On motion, Transportation Committee Amendment No. 2 was adopted.

Rep. Head moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2693 By deleting subsection (b) of amendatory § 55-4-411 of Section 11 in its entirety and by substituting instead the following:

(b)(1) The department of transportation shall issue to all annual permit holders a placard bearing the applicable permit number and a telephone number to be used to report unsafe or erratic driving to the department of transportation. Such placard shall be designed by the department of transportation in consultation with the department of safety. The transporter of a manufactured home under an annual permit shall prominently display this placard on the rear of the manufactured home being moved. Replacement placards shall be issued after a sufficient showing of loss or destruction of the original placard and payment of a fifty dollar (\$50.00) replacement fee.

(2) Notwithstanding the provisions of § 55-4-412, failure to properly display a placard pursuant to the provisions of this subsection is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

AND FURTHER AMEND By deleting subsection (c) of amendatory § 55-4-412 of Section 12 in its entirety and by substituting instead the following:

(c) Upon receipt of notice of a third violation in a twelve (12) month period, the department of transportation shall suspend the subject permit and the permit holder's privilege to obtain other permits under this part for a period of ninety (90) days from the date of receipt of the notice; provided that nothing in this subsection shall be construed as prohibiting multiple permit holders from either using other valid permits not subject to suspension, obtaining supplements for other valid permits not subject to suspension or renewing other valid permits not subject to suspension.

AND FURTHER AMEND by deleting the first sentence of subsection (b)(1) of amendatory § 55-4-413 of Section 13 in its entirety and by substituting instead the following:

If during transport, a mobile home, manufactured home or house trailer subject to the provisions of this part blocks traffic on a controlled-access facility as defined by § 54-16-101 because such vehicle cannot proceed due to height, width or length, the transporter thereof shall pay to the department of transportation a road user fee in the amount of one thousand dollars (\$1,000) and the department of transportation shall suspend the subject permit and the permit holder's privilege to obtain other permits under this part for a period of ninety (90) days from the date the department receives notice that the roadway was blocked; provided that nothing in this subsection shall be construed as prohibiting multiple permit holders from either using other valid permits not subject to suspension, obtaining supplements for other valid permits not subject to suspension or renewing other valid permits not subject to suspension.

AND FURTHER AMEND by inserting the following language as a new, appropriately designated section immediately preceding the effective date section:

SECTION ____ The department of transportation is directed to compile statistics including, but not limited to, the number of permits issued and the amount of fees collected pursuant to the provision of title 55, chapter 4, part 4, for the six (6) month period immediately preceding the effective date of this act and the six (6) month period immediately following the effective date of this act. The department may gather other information deemed necessary for a complete and accurate analysis of the significance of this act. Such statistical and other information shall be presented to the chairpersons of the senate and house finance and transportation committees no later than April 15, 2003.

On motion, Amendment No. 3 was adopted.

Rep. Pinion moved the previous question, which motion prevailed.

Rep. Head moved that **House Bill No. 2693**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

House Joint Resolution No. 680 -- Naming and Designating - William Edward Hooper, Bard Laureate of State of Tennessee. by *Hagood, *Buttry, *Dunn, *Tindell, *Bittle, *Armstrong, *Boyer.

Rep. Hagood moved that **House Joint Resolution No. 680** be adopted, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 3125** -- Gambling - Exempts pinball machines manufactured before 1980 from prohibition against gambling. Amends TCA Title 39, Chapter 17, by *Armstrong. (SB3025 by *Haun)

Rep. Armstrong moved that House Bill No. 3125 be passed on third and final consideration.

Rep. Armstrong moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3125 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-501(1), is amended by deleting the language and punctuation “; or” at the end of subdivision (B), by substituting instead the punctuation “;,” by deleting the punctuation “;” at the end of subdivision (C) and by substituting instead the language and punctuation “; or”, and by adding a new subdivision thereto, as follows:

(D) A pinball machine manufactured before 1980 and displays a three hundred fifty dollar (\$350) Class 1 tax receipt as described in § 67-4-507;

Rep. Boyer moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Bill No. 3125**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes	41
Noes	38
Present and not voting	9

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Representatives voting aye were: Armstrong, Bowers, Boyer, Briley, Brooks, Brown, Buttry, Caldwell, Cole (Dyer), Cooper, Davis (Cocke), DeBerry L, Fowlkes, Fraley, Givens, Hagood, Head, Johnson, Langster, McKee, McMillan, Miller, Montgomery, Newton, Overbey, Phelan, Pruitt, Rhinehart, Roach, Sands, Sargent, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Westmoreland, White, Whitson – 41.

Representatives voting no were: Arriola, Baird, Beavers, Black, Bone, Buck, Casada, Clem, Cole (Carter), Curtiss, Davidson, Davis (Washington), Dunn, Ferguson, Ford, Goins, Hargett, Hargrove, Harwell, Kent, Kisber, Maddox, McCord, McDaniel, McDonald, Mumpower, Odom, Pinion, Rowland, Scroggs, Sharp, Stanley, Todd, Turner (Davidson), Vincent, West, Windle, Wood – 38.

Representatives present and not voting were: Bittle, Bunch, Hood, Kernell, Lewis, Patton, Pleasant, Ridgeway, Tidwell – 9.

Having failed to receive a constitutional majority, House Bill No. 3125 was re-referred to the House Committee on Calendar and Rules.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2831 -- Election Laws - Enacts "Tennessee Provisional Voting Rights Act of 2002." Amends TCA Section 2-7-112. by *Jones, S.. (*SB2583 by *Burks)

Rep. Briley moved that House Bill No. 2831 be reset for the Regular Calendar on May 1, 2002, which motion prevailed.

***House Bill No. 2339** -- Professions and Occupations - Permits hair braiders to work without supervision of licensed cosmetologists in their own businesses. Amends TCA Title 62, Chapter 4, Part 1. by *Bowers. (SB2405 by *Dixon)

On motion, House Bill No. 2339 was made to conform with **Senate Bill No. 2405**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 2405 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Bowers moved that **Senate Bill No. 2405** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2258** -- Foster Care - Extends current relative caregiver program through 2004 and expands pilot program to include Knox and Hamilton counties. Amends TCA Section 71-3-136. by *Bowers. (SB2654 by *Dixon)

Rep. Bowers moved that House Bill No. 2258 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2258 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-3-136, is amended by adding the following as appropriately designated subsections:

() Subject to the availability of funding, the duration of the pilot programs established pursuant to Tennessee Code Annotated, Sections 71-3-136 to 71-3-138, shall be extended for two (2) years. The programs shall follow the guidelines set in the current pilot program statutes and any regulations the department developed to implement the existing pilot programs.

() Nothing in this act shall be construed to limit the department's ability to obtain funding from other public or private sources including available TANF funds and other federal funds.

SECTION 2. Tennessee Code Annotated, Section 71-3-136(h), is amended by adding the following to the end of the current subsection (h):

The department of children's services shall submit two (2) additional reports of the outcomes associated with the relative caregiver program pursuant to this subsection with the first report submitted on or before June 30, 2003, and the second report submitted by January 30, 2004.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2258 by deleting from the amendatory Section 71-3-136 in Section 1 of the bill as amended by House Health and Human Resources Committee Amendment No. 1 (HA0908) the language:

() Nothing in this act shall be construed to limit the department's ability to obtain funding from other public or private sources including available TANF funds and other federal funds.

and by substituting instead the following language:

() Nothing in this act shall be construed to limit the department's ability to obtain funding from other public or private sources including available TANF funds and other federal funds; provided, that if TANF or other federal funds are terminated and available non-state sources are inadequate to fund fully the extension of the pilot programs, such pilot programs shall cease.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Bowers moved that **House Bill No. 2258**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	6
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Beavers, Clem, Goins, Sharp, Vincent, Wood -- 6.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

House Bill No. 2672 -- Taxes, Real Property - Provides that portion of property tax allocated to education cannot be subject to rebate, remission, or abatement. Amends TCA Title 7, Chapters 53 through 67, Title 13, Chapters 20 through 23, and Title 67, Chapter 5. by *Jones U (Shelby). (*SB2282 by *Dixon)

Rep. U. Jones requested that House Bill No. 2672 be moved down 6 places on the Calendar.

House Bill No. 2371 -- Election Laws - Allows coordinator of elections to sell registered voter lists at price determined by secretary of state with proceeds to be deposited in "voting machine loan fund". Amends TCA Section 2-2-138. by *Jones U (Shelby), *Langster, *Bowers. (*SB2373 by *Cohen)

On motion, House Bill No. 2371 was made to conform with **Senate Bill No. 2373**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 2373 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Langster moved the previous question, which motion was immediately withdrawn.

Rep. Cooper moved the previous question, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 2373** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

***House Bill No. 2231** -- Corporations, Not for Profit - Makes nonprofit organizations and philanthropic individuals who sponsor charitable fundraising events immune from suit arising from personal injuries and other damage to property that occurs at such events. Amends TCA Title 29 and Title 48, Chapter 58. by *DeBerry L. (SB2252 by *Ford J)

On motion, House Bill No. 2231 was made to conform with **Senate Bill No. 2252**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 2252 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1 as amended.

Rep. L. DeBerry moved that **Senate Bill No. 2252** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1194 -- Salaries and Benefits - Requires prevailing wage commission to determine prevailing wage for building construction annually instead of biennially and to take into consideration fringe benefits in calculating prevailing wage for such industry. Amends TCA Title 12, Chapter 4, Part 4. by *DeBerry L, *Bowers, *Chumney. (*SB1492 by *Graves)

On motion, House Bill No. 1194 was made to conform with **Senate Bill No. 1492**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 1492 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. L. DeBerry moved that **Senate Bill No. 1492** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	3
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Garrett, Hargett, Stanley -- 3.

Representatives present and not voting were: Bunch, Jones U -- 2.

A motion to reconsider was tabled.

***House Bill No. 102** -- Estates - Increases from five to ten days time period in which to mail copies of filed exceptions on clerk's decisions to personal representative and attorney of record. Amends TCA Title 30. by *Odom, *Buck, *McMillan, *Winningham. (SB439 by *Crutchfield)

Rep. Buck moved that House Bill No. 102 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 102 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-2-203, is amended by deleting the section in its entirety and substituting instead the following:

(a) When an application for homestead is filed pursuant to this part, it shall be served upon the personal representative, if one has been appointed, and to the heirs or devisees and distributees or legatees who reside in this state. If there is a minor interested, the guardian shall also be served, and, if not guardian has been appointed, the courts shall appoint a guardian ad litem for the minor. Service of the application upon the parties named pursuant to this subsection, shall constitute adequate notice of the application for homestead.

(b) It shall not be necessary to serve the application for homestead upon nonresidents, but any such nonresident interested in the estate and not so served shall have three (3) years from the date of the application to move for a rehearing of the cause. The filing of a petition for a rehearing and service of such petition on all interested parties shall constitute adequate notice of the rehearing. The cost of the rehearing shall be taxed as may be deemed just by the court.

SECTION 2. This act shall take effect on July 1, 2002, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 102**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 520** -- Highway Signs - Names combined segment of S.R. 48 and S.R. 100 in Hickman County "Kenneth N. 'Pete' Springer Highway." by *Jackson, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Rep. Shepard moved that Senate Joint Resolution No. 520 be concurred in.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 520 by adding the following new resolving clause immediately preceding the last resolving clause:

BE IT FURTHER RESOLVED, That this resolution shall take effect only if funding for the resolution is specifically provided in an appropriations act or, if funding is not provided in an appropriations act, funding is provided through non-state sources.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Shepard moved that **Senate Joint Resolution No. 520**, as amended, with the request that all members voting aye be added as sponsors, be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2672 -- Taxes, Real Property - Provides that portion of property tax allocated to education cannot be subject to rebate, remission, or abatement. Amends TCA Title 7, Chapters 53 through 67, Title 13, Chapters 20 through 23, and Title 67, Chapter 5. by *Jones U (Shelby). (*SB2282 by *Dixon)

Further consideration of House Bill No. 2672 previously considered on today's Calendar.

Rep. U. Jones moved that House Bill No. 2672 be reset for the Regular Calendar on May 1, 2002, which motion prevailed.

House Bill No. 2873 -- Public Contracts - Authorizes department of general services to issue request for information in lieu of or in addition to request for proposal or invitation to bid. Amends TCA Title 12. by *Kisber. (*SB2790 by *Rochelle)

Rep. Kisber moved that House Bill No. 2873 be reset for the Regular Calendar on May 1, 2002, which motion prevailed.

***House Bill No. 2960** -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by *Fitzhugh. (SB3020 by *Wilder)

Rep. Fitzhugh moved that House Bill No. 2960 be reset for the Regular Calendar on May 1, 2002, which motion prevailed.

***House Bill No. 2250** -- Environmental Preservation - Protects owners of property from liability for leaking petroleum underground storage tanks if owner of property does not operate such tanks and owner of tanks participates in petroleum underground storage tank fund. Amends TCA Title 68, Chapter 215, Part 1. by *McDaniel. (SB2773 by *Haun, *Wilder)

Rep. McDaniel moved that House Bill No. 2250 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2250 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-215-107(f)(8)(A), is amended by inserting the language, "the petroleum site owner or" before the language "the owner and/or operator at the petroleum site" in both places such language occurs.

SECTION 2. Tennessee Code Annotated, Section 68-215-109(a), is amended by deleting the last sentence and substituting instead the language "This fee shall be paid by or on behalf of either the tank owner or the tank operator."

SECTION 3. Tennessee Code Annotated, Section 68-215-109(d), is amended by deleting the first sentence and substituting instead the language "If a lawfully levied fee or any part of that fee is not paid by its due date, there shall be assessed against the tank owner or operator a penalty of five percent (5%) of the amount due, which shall accrue on the first day of the delinquency and be added thereto."

SECTION 4. Tennessee Code Annotated, Section 68-215-109, is amended by adding the following as new appropriately designated subsections:

(e) The certificate required pursuant to § 68-215-106(c)(1) shall not be issued until all outstanding fees and penalties assessed under this section are paid.

(f) The tank owner or operator may file with the commissioner a written petition requesting a reduction in the penalties assessed under this section, setting forth in the petition the grounds and reasons for such a request. At the commissioner's sole discretion, the commissioner may reduce the penalties that otherwise accrue pursuant to this section if, in the commissioner's opinion, the failure to pay fees was due to inadvertent error or excusable neglect; however, in no event shall the penalties be reduced to an amount less than ten percent (10%) per annum, plus statutory interest.

SECTION 5. Tennessee Code Annotated, Section 68-215-111(e)(1), is amended by deleting all language before the colon in the third sentence and substituting instead the following:

(1) The fund shall provide for cleanup of contamination caused by leaking petroleum underground storage tanks, subject to payment of outstanding petroleum underground storage tank fees pursuant to § 68-215-109(a). The board shall promulgate rules stating the amount of financial responsibility that must be incurred by either the tank owner or operator or the owner of the petroleum site, before they are eligible to receive financial assistance from the fund. The amount of such financial responsibility for the tank owner or operator or the owner of any petroleum site for an occurrence shall be based on the number of tanks owned in the state by the tank owner as follows:

SECTION 6. Tennessee Code Annotated, Section 68-215-111(e)(2), is amended by deleting all language in subsection (A) and the language in subsection (B) that appears before the colon and substituting instead the following:

(A) The fund shall provide coverage for third party claims involving bodily injury and/or property damage caused by leaking petroleum underground storage tanks, subject to payment of outstanding petroleum underground storage tank fees pursuant to § 68-215-109(a). The board shall promulgate rules stating the amount of financial responsibility for third party claims for bodily injury and/or property damage that must be incurred by either the tank owner or operator or the owner of the petroleum site, before they are eligible to receive financial expenditures from the fund.

(B) The amount of such financial responsibility for such third party claims for the tank owner or operator or the owner of any petroleum site for an occurrence shall be based on the number of tanks owned in the state by the tank owner as follows:

SECTION 7. Tennessee Code Annotated, Section 68-215-111(e)(3), is amended by deleting the language "owner and/or operator".

SECTION 8. This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 2250**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: DeBerry J -- 1.

A motion to reconsider was tabled.

***House Bill No. 2320** -- Alcoholic Beverages - Redefines "motor speedway" for authorization of sales and consumption of alcoholic beverages. Amends TCA Section 57-4-102. by *Bone. (SB3125 by *Rochelle)

On motion, House Bill No. 2320 was made to conform with **Senate Bill No. 3125**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 3125 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Bone moved that **Senate Bill No. 3125** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Ferguson, Windle -- 2.

A motion to reconsider was tabled.

***House Bill No. 2124** -- Domestic Violence - Authorizes courts to compel perpetrator of domestic violence to reimburse domestic violence shelter for reasonable costs of providing necessary shelter services for perpetrator's victims. Amends TCA Title 36, Chapter 3, Part 6; Title 39, Chapter 11, Part 1 and Title 71, Chapter 6, Part 2. by *Bone. (SB2792 by *Rochelle)

On motion, House Bill No. 2124 was made to conform with **Senate Bill No. 2792**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 2792 be passed on third and final consideration.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 1.

Rep. Bone moved that **Senate Bill No. 2792** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1201 -- Bonding, Surety and Professional - Requires clerks of court and Tennessee Association of Professional Bail Agents to give reports to administrative office of courts which list those professional bondsmen and bonding agents who have complied with continuing education requirements; requires administrative office of courts to issue report showing any discrepancy between two lists. Amends TCA Title 40, Chapter 11 and Title 67. by *Buck. (*SB1439 by *Person)

Senate Amendment No. 1

AMEND House Bill No. 1201 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-803, is amended by adding the following language at the end of the section,

“Provided further, the tax imposed by this section per bail bond shall include all charges based on the same conduct or arising from the same criminal episode committed as a part of a single course of conduct leading to the arrest and charges at the time, and the tax imposed on bail bonds shall not be construed to be a separate tax on each charge arising from incidents in a single course of conduct and the same criminal episode, but for the purposes of this section shall be construed as one bail bond.”

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Buck moved that the House nonconcur in Senate Amendment(s) No(s). 1 to **House Bill No. 1201**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 573** -- Courts, General Sessions - Provides that if there are multiple defendants or plaintiffs in case before general sessions court and one defendant or plaintiff appeals adverse decision, it is considered appeal by all defendants or plaintiffs and all are properly before circuit court. Amends TCA Title 16, Chapter 15 and Title 27, Chapter 5. by *Bunch. (SB857 by *Norris)

Senate Amendment No. 1

AMEND House Bill No. 573 by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 27-5-108(a), is amended by designating the current language as subdivision (a)(1) and by adding the following new language, to be designated as subdivision (a)(2):

(2) If there are multiple parties in a case before the general sessions court in which comparative fault is an issue at trial, and if one (1) or more of the parties, but not all, perfects an appeal of decision of the sessions court to the circuit court, as provided in this section, then the appealing party shall serve written notice to all other parties that an appeal has been taken. Such written notice shall be sent to the last known address of each such party or to the party's legal counsel. The other parties shall have ten (10) days from receipt of such notice to perfect an appeal.

Rep. Bunch moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 573**, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Briley moved to lift from the table the motion to reconsider action in passing Senate Bill No. 2255, which motion prevailed.

***Senate Bill No. 2255** -- Business and Commerce - Places certain notice and disclosure requirements on covered employer who establishes drug-free workplace. Amends TCA Title 50, Chapter 6 and Title 50, Chapter 9. by *Cooper J. (HB2511 by *Briley)

Rep. Briley moved to reconsider action in passing Senate Bill No. 2255, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was/were withdrawn.

Rep. Briley moved that **Senate Bill No. 2255** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

RECOGNITION IN THE WELL

Rep. Armstrong was recognized in the Well to introduce Governor Don Sundquist and Dr. John W. Shumaker, President-Elect of the University of Tennessee, Knoxville.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3028 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Kisber. (*SB2840 by *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 3028 by deleting all sections of the bill and substituting instead of the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-222, is amended by adding the following new subsection:

(d) In lieu of the price adjustment provided under subsection (c) of this section, a telephone cooperative experiencing a net tax savings solely as the result of receiving a payment under subsection (b), shall implement a revenue distribution to its patrons pursuant to Section 65-29-121.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3028**, which motion prevailed by the following vote:

Ayes	92
Noes	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2390** -- Uniform Commercial Code - Revises UCC Article 9 with respect to notice and foreclosure to enforce security interest. Amends TCA Title 47, Chapter 9, by *Bunch. (SB2409 by *Norris)

Senate Amendment No. 1

AMEND House Bill No. 2390 by deleting the amendatory language from Section 1 and by substituting instead the following:

(B) within thirty (30) days after receipt of a request.

AND FURTHER AMEND, by deleting Section 2 and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 47-9-616(b), is amended by deleting the language "fourteen (14) days" and by substituting instead the language "thirty (30) days".

Senate Amendment No. 2

AMEND House Bill No. 2390 by deleting the amendatory language of Section 3 and by substituting instead the following:

(d) Notwithstanding the foregoing, the notification requirement of subsection (b) does not require or permit a secured party to send a disposition notification that may violate the automatic stay under the Federal Bankruptcy Code, 11 U.S.C. Section 362.

Rep. Bunch moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2390**, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Bowers moved to lift from the table the motion to reconsider action in passing Senate Bill No. 2392, which motion prevailed.

Senate Bill No. 2392 -- Public Health - Enacts "Tennessee Emergency Health Powers Act." Amends TCA Title 68. by *Dixon. (*HB2271 by *Bowers)

Rep. Bowers moved to reconsider action in passing Senate Bill No. 2392, which motion prevailed.

Rep. Bowers moved that Senate Bill No. 2392 be passed on third and final consideration.

Rep. Bowers moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND Senate Bill No. 2392 By adding the following as a new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 68-8-111, is amended by deleting the language “dog” wherever it may be found and by substituting instead the language “dog or cat”.

On motion, Amendment No. 7 was adopted.

Rep. Bowers moved adoption of Amendment No. 8 as follows:

Amendment No. 8

AMEND Senate Bill No. 2392 by deleting the existing subdivisions (8) and (9) in amendatory Section 68-56-107 of Section 1, as amended, and substituting the following:

(8) One (1) representative of the East Tennessee state university school of medicine;

(9) One (1) representative of county health departments; and

(10) One (1) representative with expertise in medical technology supply chain management.

On motion, Amendment No. 8 was adopted.

Rep. Bowers moved that **Senate Bill No. 2392**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	78
Noes	15
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Head, Hood, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Baird, Beavers, Bunch, Clem, Davis (Washington), Dunn, Goins, Hagood, Hargett, Harwell, Johnson, Overbey, Rowland, Stanley, Vincent -- 15.

Representatives present and not voting were: Bittle, Boyer, Buttry, Mumpower -- 4.

A motion to reconsider was tabled.

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 251 -- Memorials, Academic Achievement - T.E. Sweeney Scholarship Program members. by *Briley.

House Resolution No. 252 -- Memorials, Interns - Stephanie Dalton Bechard. by *Brooks, *Cooper B.

House Resolution No. 253 -- Memorials, Recognition - Matthew McBride. by *Shaw, *Ridgeway.

House Resolution No. 254 -- Memorials, Interns - Kevin Keeton. by *Patton.

House Resolution No. 255 -- Memorials, Heroism - Rededication of World War II Memorial at Midway in Greene County. by *Davis (Cocke), *Whitson.

House Resolution No. 256 -- Naming and Designating - Mount Nebo Baptist Church Day in Davidson County, April 28, 2002. by *Pruitt.

House Resolution No. 257 -- Memorials, Interns - Jeffrey David Klitzner. by *Towns, *Kernell.

House Resolution No. 258 -- Memorials, Personal Achievement - Patrick Nathaniel Edwards, Eagle Scout. by *Caldwell.

House Resolution No. 259 -- Memorials, Recognition - Virginia "Jenny" Yount. by *Lewis.

House Resolution No. 260 -- Memorials, Recognition - Mike Evans. by *Lewis.

House Resolution No. 261 -- Memorials, Recognition - Carolyn Damron, Provider Appreciation Day on May 10th. by *Lewis.

House Resolution No. 262 -- Memorials, Recognition - University of Tennessee at Knoxville Chapter of Alpha Omicron Pi Women's Fraternity, 100th anniversary. by *Hagood.

House Joint Resolution No. 855 -- Naming and Designating - "Let Love Ring!" Day, September 11, 2002. by *West.

House Joint Resolution No. 863 -- Memorials, Professional Achievement - Ms. Caroline S. Brock, Rutherford County School System Teacher of the Year for Secondary Level. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 864 -- Memorials, Professional Achievement - Ms. Glenda R. High, Rutherford County School System Teacher of the Year for Elementary Level. by *Hood, *Beavers, *Rowland.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 865 -- Memorials, Professional Achievement - Mr. Jeff Duke, Rutherford County School System Teacher of the Year for Middle Level. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 868 -- Memorials, Death - D.K. Thomas. by *Overbey, *McCord.

House Joint Resolution No. 869 -- Memorials, Personal Achievement - Bryan Joseph Lavender, Eagle Scout. by *Odom, *Garrett.

House Joint Resolution No. 866 -- Memorials, Recognition - Jennie Ellen Harper. by *McDaniel.

House Joint Resolution No. 867 -- Memorials, Recognition - Mary Lauren Anderson. by *McDaniel.

House Joint Resolution No. 870 -- Memorials, Academic Achievement - Jeremy Robert Buckner, Valedictorian, Jellico High School. by *Baird, *Goins.

House Joint Resolution No. 871 -- Memorials, Academic Achievement - Dustin Anderson, Salutatorian, Jellico High School. by *Baird, *Goins.

House Joint Resolution No. 872 -- Memorials, Congratulations - Middle Tennessee Medical Center. by *Hood, *Rowland, *Beavers.

House Joint Resolution No. 874 -- Memorials, Public Service - Joe Yokley. by *Fraleigh.

House Joint Resolution No. 875 -- Memorials, Recognition - Fall Branch Volunteer Fire Department, 50th Anniversary. by *Davis (Washington), *Patton.

House Joint Resolution No. 876 -- Memorials, Academic Achievement - Houston Heath Hunt, Salutatorian, Watertown High School. by *Beavers, *Bone.

House Joint Resolution No. 877 -- Memorials, Academic Achievement - Kelly Cross, Valedictorian, Mt. Juliet High School. by *Beavers, *Bone.

House Joint Resolution No. 878 -- Memorials, Academic Achievement - Brad Austin Donnell, Salutatorian, Lebanon High School. by *Beavers, *Bone.

House Joint Resolution No. 879 -- Memorials, Academic Achievement - Beth Ellis, Valedictorian, Lebanon High School. by *Beavers, *Bone.

House Joint Resolution No. 880 -- Memorials, Academic Achievement - Amanda Elizabeth Tutt, Valedictorian, Watertown High School. by *Beavers, *Bone.

House Joint Resolution No. 881 -- Memorials, Academic Achievement - Brittnea Marie Dye, Salutatorian, Friendship Christian School. by *Beavers, *Bone.

House Joint Resolution No. 882 -- Memorials, Interns - Terica Nicole Smith. by *Brooks, *Cooper B.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 883 -- Memorials, Personal Achievement - Corinne Gould, All-American Quarter Horse Congress Queen. by *Walker .

House Joint Resolution No. 884 -- Memorials, Recognition - Eddy Arnold, Top Country Recording Artist of All Time. by *Walker , *Curtiss, *Sargent, *Harwell, *McKee, *McDaniel, *Fowlkes, *Turner (Hamilton).

House Joint Resolution No. 885 -- Memorials, Death - T. Shane Murray. by *Hagood, *Roach.

House Joint Resolution No. 886 -- Memorials, Death - Gordon Oldham. by *Buck, *Hood.

House Joint Resolution No. 887 -- Memorials, Recognition - Angela N. Staples. by *Bowers.

House Joint Resolution No. 888 -- Memorials, Recognition - Omicron Chapter of Alpha Omicron Pi. by *Baird.

House Joint Resolution No. 889 -- Memorials, Recognition - Glenclyff High School Business Professionals of America contest participants. by *Arriola, *Pruitt.

Senate Joint Resolution No. 531 -- Naming and Designating - "Police Memorial Day", May 15, 2002, "Police Memorial Week", May 12-18, 2002. by *Burks, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 645 -- Memorials, Academic Achievement - Auburn Dawn O'Neal, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 646 -- Memorials, Academic Achievement - Kali MacKenzie Meyer, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 647 -- Memorials, Academic Achievement - Janna Aldridge, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 648 -- Memorials, Academic Achievement - Courtney Lane, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 649 -- Memorials, Academic Achievement - Jennifer Pierce, Salutatorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 650 -- Memorials, Academic Achievement - Geoffrey Updike, Valedictorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 657 -- Memorials, Academic Achievement - Britni Jantha Ratliff, Valedictorian, Hendersonville High School. by *Graves.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 658 -- Memorials, Academic Achievement - Lisa Kay Cooper, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 659 -- Memorials, Academic Achievement - Johnna Ann Miller, Salutatorian, White House High School. by *Graves.

Senate Joint Resolution No. 660 -- Memorials, Academic Achievement - Laura Elizabeth Dayton, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 685 -- Memorials, Recognition - Ms. Letha Carr's fourth grade class at Central Elementary School in Carter County fundraising efforts for Elizabethton/Carter County Veterans Memorial Park. by *Crowe.

Senate Joint Resolution No. 686 -- Memorials, Recognition - Daniel Boone High School Reflections. by *Crowe.

Senate Joint Resolution No. 688 -- Memorials, Sports - Unaka High School Boys Basketball Team. by *Crowe.

Senate Joint Resolution No. 689 -- Memorials, Interns - Jacob Chad Hogue. by *Atchley.

Senate Joint Resolution No. 690 -- Memorials, Recognition - Knoxville Chapter of Association for Preservation of Tennessee Antiquities, 50th Anniversary. by *Burchett.

Senate Joint Resolution No. 692 -- Memorials, Public Service - John C. Hough. by *Herron.

Senate Joint Resolution No. 693 -- Memorials, Retirement - Stan Workman. by *Herron.

Senate Joint Resolution No. 694 -- Memorials, Death - Vester Waldron. by *Trail.

Senate Joint Resolution No. 695 -- Memorials, Professional Achievement - Steve Cates, Tennessee Council for Social Studies 2001-02 Tennessee High School Teacher of the Year. by *Trail.

Senate Joint Resolution No. 696 -- Memorials, Recognition - Ron Braam, William F. Johnson, Sr. United Way Community Service Award. by *Miller J.

Senate Joint Resolution No. 697 -- Memorials, Retirement - Kenny Buttolph, Research Editor, Old Cars Weekly. by *Williams, Sen..

Senate Joint Resolution No. 698 -- Memorials, Retirement - Dr. Theodore Raymond Mosch. by *Herron.

Senate Joint Resolution No. 699 -- Memorials, Academic Achievement - Stuart John Jeckel, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 700 -- Memorials, Academic Achievement - Alicia Pinson, Salutatorian, Greenbrier High School. by *Graves.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Senate Joint Resolution No. 701 -- Memorials, Academic Achievement - Caleb Bastian, Valedictorian, White House High School. by *Graves.

Senate Joint Resolution No. 702 -- Memorials, Academic Achievement - Lauren Dae Binkley, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 703 -- Memorials, Academic Achievement - Sara Beth Seay, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 704 -- Memorials, Academic Achievement - Greg Sand, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 705 -- Memorials, Academic Achievement - Sarah Elizabeth Jones, Valedictorian, Springfield High School. by *Graves.

Rep. Pruitt moved that all members voting aye on House Resolution No. 256 be added as sponsors, which motion prevailed.

Rep. McDonald moved that all members voting aye on Senate Joint Resolution(s) No. 645, 646, 647, 648, 649, 650, 657, 658, 659, 660, 699, 700, 701, 702, 703, 704 and 705, be added as sponsors, which motion prevailed.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 531 be added as sponsors, which motion prevailed.

Rep. Walker moved that all members voting aye on House Joint Resolution No. 883 and 884 be added as sponsors, which motion prevailed.

Rep. Shaw moved that all members voting aye on House Resolution No. 253 be added as sponsors, which motion prevailed.

Rep. Bowers moved that all members voting aye on House Joint Resolution No. 887 be added as sponsors, which motion prevailed.

OBJECTION – SUPPLEMENTAL CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 866: by Rep. Brooks

House Joint Resolution No. 867: by Rep. Brooks

Under the rules, House Joint Resolution(s) No(s). 866 and 867 was/were placed at the foot of the calendar for May 8, 2002.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Towns -- 1.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for April 24, 2002:

House Joint Resolution No. 890 -- Memorials, Recognition - J. R. Hyde Senior Family Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

House Joint Resolution No. 891 -- Memorials, Recognition - Mertie W. Buckman, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 892 -- Memorials, Recognition - William B. Dunavant, Jr., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 893 -- Memorials, Recognition - Assisi Foundation of Memphis, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 894 -- Memorials, Recognition - Staff of Memphis and Shelby County Public Library and Information Center, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 895 -- Memorials, Recognition - LHS, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 896 -- Memorials, Recognition - Barnstable Broadcasting, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 897 -- Memorials, Recognition - First Tennessee Bank and First Tennessee Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

House Joint Resolution No. 898 -- Memorials, Recognition - Sossaman and Associates, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 899 -- Memorials, Recognition - Friends of Memphis-Shelby County Public Library, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 900 -- Memorials, Recognition - Mr. and Mrs. Allen Morgan, Jr., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

House Joint Resolution No. 901 -- Memorials, Recognition - H. W. Durham Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 902 -- Memorials, Recognition - Dr. and Mrs. E. Charles Leonard, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 903 -- Memorials, Recognition - FedEx Corporation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 904 -- Memorials, Recognition - John W. Stokes, Jr., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 905 -- Memorials, Recognition - Kristi and Dean Jernigan, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 906 -- Memorials, Recognition - Jabie and Helen Hardin, supporters of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 907 -- Memorials, Recognition - Dunavant Enterprises, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 908 -- Memorials, Recognition - The Junior League of Memphis, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 909 -- Memorials, Recognition - AutoZone, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 910 -- Memorials, Recognition - Time Warner Communications, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 911 -- Memorials, Recognition - Bill and Melinda Gates Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 912 -- Memorials, Recognition - Microsoft, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 913 -- Memorials, Recognition - Plough Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 914 -- Memorials, Recognition - James R. Humphreys, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

SUPPLEMENTAL CONSENT CALENDAR NO. 2

House Joint Resolution No. 890 -- Memorials, Recognition - J. R. Hyde Senior Family Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

House Joint Resolution No. 891 -- Memorials, Recognition - Mertie W. Buckman, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 892 -- Memorials, Recognition - William B. Dunavant, Jr., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 893 -- Memorials, Recognition - Assisi Foundation of Memphis, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 894 -- Memorials, Recognition - Staff of Memphis and Shelby County Public Library and Information Center, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 895 -- Memorials, Recognition - LHS, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 896 -- Memorials, Recognition - Barnstable Broadcasting, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 897 -- Memorials, Recognition - First Tennessee Bank and First Tennessee Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

House Joint Resolution No. 898 -- Memorials, Recognition - Sossaman and Associates, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 899 -- Memorials, Recognition - Friends of Memphis-Shelby County Public Library, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 900 -- Memorials, Recognition - Mr. and Mrs. Allen Morgan, Jr., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers, *Naifeh.

House Joint Resolution No. 901 -- Memorials, Recognition - H. W. Durham Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 902 -- Memorials, Recognition - Dr. and Mrs. E. Charles Leonard, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 903 -- Memorials, Recognition - FedEx Corporation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 904 -- Memorials, Recognition - John W. Stokes, Jr., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 905 -- Memorials, Recognition - Kristi and Dean Jernigan, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 906 -- Memorials, Recognition - Jabie and Helen Hardin, supporters of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 907 -- Memorials, Recognition - Dunavant Enterprises, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 908 -- Memorials, Recognition - The Junior League of Memphis, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 909 -- Memorials, Recognition - AutoZone, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

House Joint Resolution No. 910 -- Memorials, Recognition - Time Warner Communications, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 911 -- Memorials, Recognition - Bill and Melinda Gates Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 912 -- Memorials, Recognition - Microsoft, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 913 -- Memorials, Recognition - Plough Foundation, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

House Joint Resolution No. 914 -- Memorials, Recognition - James R. Humphreys, supporter of new Memphis-Shelby County Public Library and Information Center. by *Kernell, *Bowers.

Rep. Kernell moved that all members of the Shelby County delegation voting aye on House Joint Resolution(s) No(s). 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, and 914 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Beavers, **House Bill No. 3041** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

ANNOUNCEMENTS

BILL RECALL

Rep. Davidson requested that House Bill No. 2961 be recalled from the Governor's desk, which motion prevailed.

Rep. Davidson requested that House Bill No. 3101 be recalled from the Governor's desk, which motion prevailed.

Rep. Davidson requested that Senate Joint Resolution No. 637 be recalled from the Senate, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1106: Rep(s). Lewis as prime sponsor(s).

House Bill No. 1323: Rep(s). McMillan as first prime sponsor(s).

House Bill No. 1342: Rep(s). Maddox and Fitzhugh as prime sponsor(s).

House Bill No. 1460: Rep(s). Maddox and Fitzhugh as prime sponsor(s).

House Bill No. 2450: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 2553: Rep(s). Overbey as prime sponsor(s).

House Bill No. 2584: Rep(s). Maddox as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

April 24, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2961, per your request.

JAY BALLARD, Counsel to the Governor.

ENGROSSED BILLS

April 24, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2471, 2623, 3266, 3268, also, House Joint Resolution(s) No(s). 683.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2283 and 2900; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2920; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2093; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2933; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2592; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2430; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 782, 832, 833, 835, 837, 838, 839, 840, 841, 843, 844, 845, 846, 847, 852, 853, 857, 858, 859, 860 and 861; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2776; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 24, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2542 and 2678.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 2436 for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 24, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 367, 413, 1901, 2118, 2212, 2272, 2451, 2520, 2528, 2618, 2714, 2726, 2754, 2759, 2853, 2899, 2907, 2917, 2940, 2968, 3014, 3037, 3146, 3220, 3221, 3222, 3223, 3224, 3225, 3231, 3240 and 3241, with his approval.

JAY BALLARD, Counsel to the Governor.

ENGROSSED BILLS

April 24, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 102, 2250, 2258, 2693, also, House Joint Resolution(s) No(s). 680.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2027.

The Senate nonconcurred in House Amendment(s) No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 809, 1421, 1494, 2141, 2329, 2412, 2457, 2518, 2534, 2580, 2866, 3139 and 3216; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 809** -- Plumbers and Plumbing - Enacts "Tennessee Plumbing Trades Act." Amends TCA Title 62. by *Harper, *Haynes. (HB1600 by *Briley, *Jones, S., *Turner (Shelby), *West, *Turner (Davidson), *Newton, *Odom)

Senate Bill No. 1421 -- Courts, Administrative Office of the - Restates and clarifies procedures and policies pertaining to administrative office of courts. Amends TCA Title 9, Chapter 4; Title 16; Title 17 and Title 18. by *Person. (*HB347 by *Buck, *Winningham)

Senate Bill No. 1494 -- Campaigns and Campaign Finance - Expresses intent of general assembly that campaign finance system be reformed to promote increased voter confidence and participation; directs registry of election finance to study issue and to provide recommendations to general assembly. Amends TCA Title 2; Title 3 and Title 8. by *Cooper J. (*HB674 by *Kisber, *McMillan)

***Senate Bill No. 2141** -- Election Laws - Requires placement of state constitutional amendment question on ballot before list of candidates for governor instead of after list of candidates for governor. Amends TCA Section 2-5-208(f). by *Cohen. (HB2664 by *Jones U (Shelby))

Senate Bill No. 2329 -- Prisons and Reformatory Institutions - Creates "Family Visitation and Crime Reduction Act." Amends TCA Title 41. by *Dixon. (*HB1816 by *Kernell, *Miller L)

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 2412** -- Planning, Public - Requires planning commissioners, professional planners, planning commission members, board of zoning appeals members, building commissioners, and other officials who advise planning commission or board of zoning appeals to attend training and continuing education. Amends TCA Title 13, Chapter 3; Title 13, Chapter 4 and Title 13, Chapter 7. by *Norris. (HB2434 by *Todd)

Senate Bill No. 2457 -- Taxes, Real Property - Includes hospital and hospital property owned or leased by private not-for-profit 501(c)(3) corporation in definition of industrial and commercial property for payment of property taxes. Amends TCA Title 67. by *Miller J. (*HB2200 by *Bunch)

Senate Bill No. 2518 -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by *Crutchfield. (*HB2431 by *Brown)

Senate Bill No. 2534 -- Controlled Substances - Enacts "Controlled Substance Monitoring Act of 2002." Amends TCA Title 53, Chapter 10. by *McNally, *Crowe, *Henry, *Rochelle, *Carter. (*HB2450 by *Shepard, *Tidwell, *Black, *Caldwell)

***Senate Bill No. 2580** -- Domestic Violence - Requires that identifying information concerning petitioner that is contained in order of protection be treated as confidential by court upon filing of petition. Amends TCA Section 10-7-504. by *Burks. (HB2525 by *McMillan)

***Senate Bill No. 2866** -- Taxes, Real Property - Permits owner who purchases property after county board of equalization convenes but prior to December 31 to appeal its assessment directly to state board of equalization by March 1 of year following tax year in question. Amends TCA Title 67. by *Ford J. (HB3080 by *Miller L)

Senate Bill No. 3139 -- Safety, Dept. of - Requires department to review driver license application and examination provisions in view of increased homeland security and report findings and recommendations to transportation committees. Amends TCA Title 55, Chapter 50, Part 3. by *Herron, *Trail. (*HB3186 by *Maddox, *Odom, *Shepard, *Turner (Davidson), *Jones, S., *Cole (Dyer), *Harwell)

***Senate Bill No. 3216** -- Sewage - Exempts city of Pegasus, by population, from requirement that water and wastewater facilities of municipality must be self-supporting; exemption applies until growth in city is sufficient for project to be and remain self-supporting and self-sufficient. Amends TCA Section 7-34-114; Section 7-35-414; Section 9-21-308 and Section 68-221-1008. by *Kurita. (HB3264 by *Casada)

MESSAGE FROM THE SENATE

April 24, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3230, 3254, 3255 and 3257; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 24, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 855, 863, 864, 865, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913 and 914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 24, 2002

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 24, 2002

The Speaker signed the following: House Resolution(s) No(s). 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 262.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

BILLS REFERRED

April 24, 2002

Pursuant to **Rule No. 44**, the following bill(s) was/were referred to the following committee:

House Bill No. 3264 -- Sewage – House Finance, Ways and Means Committee

CONSENT CALENDAR

April 24, 2002

The following local bills have been placed on the Consent Calendar for **May 1, 2002**: House Bill(s) No(s). 3272.

ROLL CALL

The roll call was taken with the following results:

Present.....98

WEDNESDAY, APRIL 24, 2002 – EIGHTY-FOURTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Davidson, and pursuant to House Joint Resolution No. 856, the House stood in recess until 1:00 p.m., Wednesday, May 1, 2002.